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Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

NO. 74-211

RAY ALLEN TOLLETT, *Petitioner*

v.

WILLIAM F. LAMAN, ET AL *Defendants*

PETITION FOR REHEARING

JAMES E. DAVIS
711 Pecan Street
Texarkana, Arkansas 75501
Attorney for Appellant

IN THE

Supreme Court of the United States

OCTOBER TERM, 1973

RAY ALLEN TOLLETT, *Petitioner*

v.

WILLIAM F. LAMAN, ET AL *Defendants*

PETITION FOR REHEARING

TO THE HONORABLE SUPREME COURT:

Petitioner Ray Allen Tollett moves for a rehearing of the Order entered December 23, 1974, denying certiorari in the above case for the following reasons:

I.

On November 26, 1974, prior to the service upon Petitioner of Respondent's response to his petition for certiorari, the United States District Court for the Eastern District of Arkansas entered an Order in the above case after the remand hearing dismissing the Complaint and denying Petitioner any relief. The present status of this matter is that the District Court has made a determination of the merits of this case adverse to the Petitioner, and the argument of

Respondents in this regard that Petitioner has an opportunity to prevail in this cause of action is for this reason somewhat misleading.

II.

Petitioner would submit that with regard to the action against Respondents Laman and Gibbons that the arguments advanced in the response are also somewhat misleading in that Respondents conceded in oral argument before the Eighth Circuit Court of Appeals that the arrest referred to on page six of the response was not an arrest for the offense of arson.

For the foregoing reasons, Petitioner prays that the Order denying the Petition for Writ of Certiorari be set aside and that this cause be reheard, and that upon rehearing, the writ of certiorari be granted and that on plenary consideration, this cause be reversed and remanded.

Respectfully submitted,

JAMES E. DAVIS
711 Pecan Street
Texarkana, Arkansas 75501
Attorney for Petitioner

PROOF OF SERVICE

I certify that I have served a copy of the foregoing Petition for Rehearing upon the attorneys of Record for Respondents by depositing a copy thereof in the United States Mail this 9th day of January, 1975, postage prepaid, in an envelope properly addressed as follows:

MR. DALE PRICE
Attorney at Law
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MR. SAM HILBURN
Attorney at Law
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JAMES E. DAVIS